IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 2ND JANUARY 2007 / 12TH POUSHA 1928

Bail Appl..No. 7598 of 2006()

CRIME NO.371/2006 OF CHAVARA THEKKUMBHAGAM POLICE STATION

PETITIONER/ACCUSED:

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1. K.B.MOHANAN, AGED 45 YEARS,
   H.N.L.CLONY, QUARTERS NO.119/A,
   NEWS PRINT, NAGAR, VELLOOR, KOTTAYAM.

2. SETHULAKSHMI, W/O.MOHANAN,
   H.N.L.COLONY, QUARTERS NO.119/A,
   NEWS PRINT NAGAR, VELLOOR, KOTTAYAM.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR
SMT.RESHMI POULOSE

RESPONDENTS: COMPLAINANT:

THE STATE OF KERALA REP.BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI K.S.SIVAKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.7598 OF 2006

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DATED THIS THE 2ND DAY OF JANUARY, 2007

O R D E R

Petitioners who are husband and wife and accused 1 and 2 in Crime No.371/06 of Chavara Thekkumbhagam Police Station for an offence punishable under section 420 IPC, seek anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. Petitioners are alleged to have received amounts totalling to more than 16 lakhs on various occasions from the brother-in-law of the first accused and his relatives promising employment in the Railways. It is too early to accept the petitioners' contention that jobs were actually offered by one Geetha Rani and the petitioners are also victims of Geetha Rani. I am not therefore inclined to grant anticipatory bail to the petitioners. In the case of the second petitioner, being a lady, I am inclined to grant anticipatory bail to her. Accordingly, the first petitioner shall surrender before the Investigating Officer on any day between 3.1.2007 and 6.1.2007 for the purpose of custodial interrogation and recovery of incriminating materials if any and he shall thereafter be produced before the Magistrate having jurisdiction on the same day, who shall consider the application for bail filed by the first petitioner, preferably on the same date on which it is filed. A direction is issued to the Investigating Officer to release the

second petitioner on bail for a period of one month in the event of her arrest in connection with the above crime on her executing a bond for Rs.10,000/- with two solvent sureties each for the like amount to the satisfaction of the said officer and subject to the following conditions:

1. The 2nd petitioner shall make herself available for interrogation as and when required by the Investigating Officer.

2. The 2nd petitioner shall not influence or intimidate the prosecution witnesses nor shall she attempt to tamper with the evidence for the prosecution.

3. 2nd Petitioner shall not commit any offence while on bail.

4. 2nd Petitioner shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

If the 2nd petitioner commits breach of any of the above conditions, the bail granted to her shall be liable to be cancelled.

This application is allowed in part as above.

V.RAMKUMAR,JUDGE.

dsn